

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CITIMORTGAGE, INC.,

Plaintiff,

v.

VALERIE PERRY,

Defendant.

Civ. No. 11-1000-WJM

ORDER

HON. WILLIAM J. MARTINI

THIS MATTER comes before the Court upon its *sua sponte* notice of call for dismissal pursuant to Local Civil Rule 41.1(a). Defendant filed her notice of removal on February 18, 2011, apparently seeking to remove this action from Union County to this Court. The Court, after no further filings had been made, entered a notice of call for dismissal on June 29, 2011 pursuant to Rule 41.1(a). On July 12, 2011, Defendant filed a response opposing the call for dismissal and moving for either default judgment or summary judgment against Plaintiff. And although it is unclear from the response, defendant also appears to ask this Court to vacate a judgment that may have been entered in the state court action. What is apparent, though, is that Defendant opposes Rule 41.1 dismissal of her case and that her lack of prosecution likely derives from her unfamiliarity with legal practice.

One core problem resulting from that lack of familiarity is the fact that Defendant's February 28, 2011 notice of removal is defective under 28 U.S.C. § 1446 and Local Civil Rule 5.1(e). Both require that every notice of removal be accompanied by

“a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.”

That is, Section 1446 and Rule 5.1(e) require the Defendant to provide this Court with copies of the filings and decisions from the state court action. Without these records, the Court is in no position to adjudicate this dispute. But the Court recognizes Defendant’s *pro se* status and its own obligation to construe filings made by *pro se* litigants liberally.

For the foregoing reasons; and good cause shown;

IT IS on this 17th day of August 2011, hereby,

ORDERED that the June 29, 2011 Notice of Call for Dismissal is
WITHDRAWN; and it is further

ORDERED that Defendant is directed to comply with 28 U.S.C. § 1446 and Local Civil Rule 5.1(e) by filing copies with the Clerk of this Court of all process, pleadings, and orders served upon her in the Union County action by **September 12, 2011**; and it is further

ORDERED that if Defendant fails to comply with this order, the Court will take appropriate action, which may include remanding this case to state court.

/s/ William J. Martini

WILLIAM J. MARTINI, U.S.D.J.